

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

*Note: There is one Extraordinary issue to the Official Gazette Series I No. 41 dated 11-1-2001 namely Extraordinary dated 16-1-2001 from pages 801 to 802 regarding Order from Department of Personnel.*

### GOVERNMENT OF GOA

Department of Elections  
Office of the Chief Electoral Officer

#### Notification

3-1-87/ELEC-Vol.IV

The following Notification No. 56/2000/Jud. III dated 1-12-2000 issued by the Election Commission of India, New Delhi is hereby published for general information.

D. N. Kamble, Joint Chief Electoral Officer.

Panaji, 4th January, 2001.

#### ELECTION COMMISSION OF INDIA

Nirvachan Sadan,  
Ashoka Road,  
New Delhi - 110001.

Dated: 1st December, 2000  
10 Agrahayana, 1922 (Saka)

#### Notification

No. 56/2000/Jud.III.— In exercise of the powers conferred by Article 324 of the Constitution of India, read with Rules 5 and 10 of the Conduct of Elections Rules, 1961, and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order to further amend the Election Symbols (Reservation and Allotment) Order, 1968, namely:—

1. *Short title and commencement.*— (1) This Order may be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2000.

(2) It shall come into force on the date of its publication in the Gazette of India.

2. *Substitution of paragraphs 6 and 7.*— In the Election Symbols (Reservation and Allotment) Order, 1968 (hereinafter referred to as the 'principal Order'), for paragraphs 6 and 7, the following paragraphs shall be substituted, namely:—

"6. *Classification of political parties.*— (1) For the purposes of this Order and for such other purposes as the Commission may specify as and when necessity therefor arises, political parties are either recognised political parties or unrecognised political parties.

(2) A recognised political party shall either be a National party or a State party.

6A. *Conditions for recognition as a National party.*— A political party shall be treated as a recognised National party, if, and only if,—

either (A)(i) the candidates set up by it, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in their respective States at that general election; and (ii) in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States;

or (B) (i) its candidates have been elected to the House of the People, at the last general election to that House, from at least two percent of the total number of parliamentary constituencies in India, any fraction exceeding one-half being counted as one; and (ii) the said candidates have been elected to that House from not less than three States.

6B. *Conditions for recognition as a State party.*— A political party, other than a National party, shall be treated as a recognised State party in a State or States, if, and only if,—

either (A)(i) the candidates set up by it, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in that State at that general election; and (ii) in addition, it has returned at least two members to the Legislative Assembly of the State at the last general election to that Assembly;

or (B) it wins at least three percent of the total number of seats in the Legislative Assembly of the State (any fraction exceeding one-half being counted as one), or at least three seats in the Assembly, whichever is more, at the aforesaid general election.

6C. *Conditions for continued recognition as a National or State party.*— If a political party is recognised as a National party under paragraph 6A, or as a State party under paragraph 6B, the question whether it shall continue to be so recognised after any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be dependent upon the fulfilment by it of the conditions specified in the said paragraphs on the results of that general election.

7. *Savings and Interpretation.*— (1) Notwithstanding anything contained in paragraph 6A, 6B, or 6C, if any political party stands recognised, immediately before the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2000, either as a National party or as a State party in some State or States, the said party shall continue to have and enjoy the status of such National or State party for the purposes of the next general election, to be held after the commencement of the said Order, to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, and its continued recognition as such National or State party shall thereafter be dependent upon the fulfilment by it of the conditions specified in paragraph 6A or, as the case may be, paragraph 6B.

(2) For the removal of doubt, it is hereby clarified that the conditions in paragraph 6A or paragraph 6B shall not be deemed to have been satisfied by a political party,—

(i) if it is newly formed, whether as a result of split in a recognised National or State party or otherwise, and registered with the commission under section 29 A of the Representation of the People Act, 1951, after the last general election to the House of the people or, as the case may be,

to the Legislative Assembly of the State concerned; or

(ii) on the joining or taking the membership of that party, by a member of the House of the People, or the Legislative Assembly of a State, after his election to that House or, as the case may be, that Assembly.

3. *Amendment to paragraph 9.*— In clause (b) of paragraph 9 of the principal Order, for the word and figure 'paragraph 6', the word, figure and letter 'paragraph 6B' shall be substituted.

4. *Insertion of new paragraph 10A.*— After paragraph 10 of the principal Order, the following paragraph shall be inserted as paragraph 10A, namely:—

"10A. *Concession to candidates set up by an unrecognised party which was earlier recognised as a National or State party.*— If a political party, which is unrecognised at present but was a recognised National or State party in any State or Union territory not earlier than six years from the date of notification of the election, sets up a candidate at an election in a constituency in any State or Union Territory, whether such party was earlier recognised in that State or Union territory or not, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved earlier for that party when it was a recognised National or State party, notwithstanding that such symbol is not specified in the list of free symbols for such State or Union territory, on the fulfilment of each of the following conditions, namely:—

(a) that an application is made to the Commission by the said party for the exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;

(b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and

(c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment:

Provided that nothing contained in this paragraph shall apply to a candidate set up by the said party at an election in any constituency in a State or Union territory where the same symbol is already reserved for some other National or State party in that State or Union Territory."

5. *Amendment to paragraph 11.*— In paragraph 11 of the principal Order, for the word and figures 'paragraph 10', wherever they occur, the words, figures and letter 'paragraph 10 or paragraph 10A' shall be substituted.

6. *Substitution of Paragraph 12.*— For paragraph 12 of the principal Order, the following paragraph shall be substituted, namely:—

"12. *Choice of symbols by other candidates and allotment thereof.*— (1) Any candidate at an election in a constituency in any State or Union territory, other than—

(a) a candidate set up by a National party, or

(b) a candidate set up by a political party which is a State party in that State,

or

(c) a candidate referred to in paragraph 10 or paragraph 10A,

shall choose, and shall be allotted, in accordance with the provisions hereafter set out in this paragraph, one of the symbols specified as free symbols for that State or Union Territory by notification under paragraph 17.

(2) Where any free symbol has been chosen by only one candidate at such election, the returning officer shall allot that symbol to that candidate, and to no one else.

(3) Where the same free symbol has been chosen by several candidates at such election, then—

(a) if, of those several candidates, only one is a candidate set up by an unrecognised political party and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the unrecognised political party, and to no one else; and, if, of those several candidates, two or more are set up by different unrecognised political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different unrecognised political parties that free symbol

shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else:

Provided that where of the two or more such candidates set up by such different unrecognised political parties, only one is, or was, immediately before such election, a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the returning officer shall allot that free symbol to that candidate, and to no one else;

(b) if, of those several candidates, no one is set up by any unrecognised political party and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly, and was allotted that free symbol at the previous election when he was chosen as such member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and

(c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidates on whom the lot falls, and to no one else.

7. *Amendment of paragraph 13.*— In paragraph 13 of the principal Order, after clause (a), the following clause shall be inserted, namely:—

"(aa) the candidate is a member of that political party and his name is borne on the roll of members of the party;"

8. *Amendment of paragraph 14.*— In paragraph 14 of the principal Order,—

(i) in the heading of that paragraph, for the word and figure 'paragraph 6', the words, figures and letters 'paragraphs 6A or paragraph 6B' shall be substituted;

(ii) in the main paragraph, for the words, figures and brackets 'fulfilled either of the conditions for such recognition specified in subparagraph (2) of Paragraph 6', the words, figures and letters 'fulfilled any of the conditions for such recognition specified in paragraph 6A or paragraph 6B' shall be substituted.

9. *Amendment of paragraph 17.*— In paragraph 17 of the principal Order,—

(i) clause (bb) shall be omitted;

(ii) for clause (c), the following clause shall be substituted, namely:—

“(c) the unrecognised political parties and the addresses of their headquarters registered with the Commission;”.

10. *Amendment of Form B.*— In Form B appended to the principal Order, after paragraph 2, the following paragraph shall be inserted, namely:—

“3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.”.

By Order,

K. J. Rao,

Secretary.

Department of Home  
Home – General Division

#### Notification

11/14/96-HD (G)

The Government of Goa is hereby pleased to further amend the Goa Freedom Fighters Welfare Rules, 1988 published in the Official Gazette, Series I, No. 8 dated 25-5-89 vide Government Notification No. 11-37-88/HD (G) dated 27-4-1989 as follows, namely:—

In Rule 4, the following shall be added after the words “The said enhancement will come into effect from 1st June, 2000”.

“That the Freedom Fighter who avails this facility for repairs of his house cannot avail for the same purpose for a period of 10 years”.

By order and in the name of the Governor of Goa.

A. Mascarenhas, Under Secretary (Home).

Panaji, 1st January, 2000.

Department of Law & Judiciary

Legal Affairs Division

#### Notification

10/4/99-LA (Vol. I)

The Constitution (Eightieth Amendment) Act, 2000 which has been passed by the Parliament and assented to by the President of India on 9-6-2000 and published in the Gazette of India Extraordinary Part II, Section 1, dated 9-6-2000 is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 18th December, 2000.

The Constitution (Eightieth Amendment)

Act, 2000

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ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Constitution (Eightieth Amendment) Act, 2000.

2. *Amendment of article 269.*— In article 269 of the Constitution, for clauses (1) and (2), the following clauses shall be substituted, namely:—

“(1) Taxes on the sale or purchase of goods and taxes on the consignment of goods shall be levied and collected by the Government of India but shall be assigned and shall be deemed to have been assigned to the States on or after the 1st day of April, 1996 in the manner provided in clause (2).

*Explanation.*— For the purposes of this clause,—

(a) the expression “taxes on the sale or purchase of goods” shall mean taxes on sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce;

(b) the expression “taxes on the consignment of goods” shall mean taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.

(2) The net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Union territories, shall not form part of the Consolidated Fund of India, but shall be assigned to the States within which that tax is leviable in that year, and shall be distributed among those States in accordance with such principles of distribution as may be formulated by Parliament by law.'

3. *Substitution of new article for article 270.*— For article 270 of the Constitution, the following article shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1996, namely:—

'270. *Taxes levied and distributed between the Union and the States.* — (1) All taxes and duties referred to in the Union List, except the duties and taxes referred to in articles 268 and 269, respectively, surcharge on taxes and duties referred to in article 271 and any cess levied for specific purposes under any law made by Parliament shall be levied and collected by the Government of India and shall be distributed between the Union and the States in the manner provided in clause (2).

(2) Such percentage, as may be prescribed, of the net proceeds of any such tax or duty in any financial year shall not form part of the Consolidated Fund of India, but shall be assigned to the States within which that tax or duty is leviable in that year, and shall be distributed among those States in such manner and from such time as may be prescribed in the manner provided in clause (3).

(3) In this article, "prescribed" means,—

(i) until a Finance Commission has been constituted, prescribed by the President by order, and

(ii) after a Finance Commission has been constituted, prescribed by the President by order after considering the recommendations of the Finance Commission.'

4. *Omission of article 272.*— (1) Article 272 of the Constitution shall be omitted.

(2) Notwithstanding anything contained in sub-section (1), where any sum equivalent to the whole or any part of the net proceeds of the Union duties of excise including additional duties of excise which are levied and collected by the Government of India and which has been distributed as grants-in-aid to the States after the 1st day of April, 1996, but before the commencement of this Act, such sum shall be deemed to have been distributed in accordance with the provisions of article 270, as if article 272 had been omitted with effect from the 1st day of April, 1996.

(3) Any sum equivalent to the whole or any part of the net proceeds of any other tax or duty that has been distributed as grants-in-aid to the States after the 1st day of April, 1996 but before the commencement of this Act shall be deemed to have been distributed in accordance with the provisions of article 270.

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Department of Public Health

Order

9/4/89-IV/PHD/108

Ref.:— Notification No. 1/152/98-GDCH/ACAD dated 10-11-1998.

Sanction of the Government is hereby accorded to fix new tuition fees structure for M. D. S. students which shall be Rs. 12,000 (Rupees Twelve thousand only) per student per term, and shall be effective from the academic session of 2000-2001 for the new entrants.

The old students shall be governed as per the existing fees structure.

By order and in the name of the Governor of Goa.

N. D. Agrawal, Joint Secretary (Health).

Panaji, 8th January, 2001.